

Serial No.: 10/596,966
Docket No.: 09792909-6649
Amendment "A", dated October 20, 2009
Reply to the Office Action of July 20, 2009

REMARKS

A. Introduction

Claims 1-12 were pending and under consideration in the application.

In the Office Action mailed July 20, 2009, the abstract was objected to.

Claim 8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1-6, and 8 were rejected under 35 U.S.C. §102(b), as being anticipated by Kono et al., U.S. 6,813,010 B2, (hereinafter "*Kono*").

Claim 9 was rejected under 35 U.S.C. §102(e), as being anticipated by Endoh et al., U.S. 2004/0022421 A1, (hereinafter "*Endoh*").

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Kono* in view of Dietz et al., U.S. 2004/0208632 A1, (hereinafter "*Dietz*") and further in view of *Endoh*.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of Wakabayashi, U.S. 2003/0178483A1, (hereinafter "*Wakabayashi*").

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of Lemelson, U.S. 4,189,712, (hereinafter "*Lemelson*").

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of *Dietz*.

In response, claim 8 is being canceled and certain of the remaining claims are being amended to correct informalities and for clarity. No new matter is being added.

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B. Rejections under 35 U.S.C. §112

Claim 8 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The grounds for the rejection having been obviated by the instant amendment, withdrawal of the rejection is respectfully requested.

C. Rejections under 35 U.S.C. §102

1. Claims 1-6, and 8 were rejected under 35 U.S.C. §102(b), as being anticipated by *Kono*.

Kono relates to techniques for identifying a person using a finger vein pattern and is directed toward means improving the performance and reproducibility of identification by correcting detected errors and three dimensional imaging. *Kono*, 1: 5-8 and 1:30-2:11.

Kono fails to teach or suggest the presently claimed apparatus, wherein:

a first information processing apparatus has (i) a storage means which stores a first biological identification data associated with a predetermined portion of a living body and (ii) a first communication means for performing communication when held proximate to a predetermined position by a living body, and

a second information processing apparatus has (iii) a biological sensor which detects biological information from the living body; (iv) a second communication means which communicates with the first communication means; (v) an extraction means which extracts a second biological identification data from the biological information detected by the biological sensor; and (vi) a biological authentication means which performs biological authentication, based on the second biological identification data and on the first biological identification data, said first biological identification data being obtained from the first information processing apparatus via the first and second communication means.

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Contrary to the invention as recited above, *Kono* provides that registered images of a person's finger are stored in a remote database and that a subsequently captured image of the finger is correlated to the registered image selected upon entry of the person's personal ID information.

Because the foregoing features are not taught or suggested by the cited prior art, the Office Action fails to establish that the invention as a whole is obvious in light thereof. See MPEP 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F. 2d 1382, 1385. (CCPA 1970)

2. Claim 9 was rejected under 35 U.S.C. §102(e), as being anticipated by *Endoh*.

Endoh discloses a processor with a personal verification function having a mouse used by a hand to operate a terminal and being able to output a photographic blood vessel image obtained by photographing a palm of the hand, and a verifying unit carrying out personal verification at a desired time on the basis of the photographic blood vessel image outputted from the mouse and a registration blood vessel image.

Endoh fails to teach or suggest the presently claimed apparatus, wherein:

equipment means which is equipped on a predetermined portion of a living body and has (1) a storage means which stores a first biological identification data associated with the predetermined portion of the living body; and (2) a communication means which is held by the equipment means and transmits the first biological identification data to a communication target to which the predetermined portion equipped with the equipment means is brought close, and

a biological authentication means which performs biological authentication, based on the first biological identification data and on a second biological identification data, said second biological identification data being extracted from biological information detected by a biological sensor.

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Contrary to the invention as presently claimed, *Endoh* provides that registered images of a user's blood vessels are stored in a remote database and that a subsequently captured image of the blood vessels is correlated to the registered images.

Because the foregoing features are not taught or suggested by the cited prior art, the Office Action fails to establish that the invention as a whole is obvious in light thereof. See MPEP 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F. 2d 1382, 1385. (CCPA 1970)

D. Rejections under 35 U.S.C. §103(a)

1. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Kono* in view of *Dietz*, and further in view of *Endoh*.

Claim 7 depends from claim 1, which is patentable over *Kono* for the reasons given in part C.1 above. The Office Action asserted that *Dietz* discloses communication using bidirectional LEDs, and that *Endoh* discloses a device with buuilt-inLEDs used as a light source to capture the user blood vessel image in the authentication process. Whether or not the foregoing assertions are accurate, such disclosures fail to cure the deficiencies noted above.

As a result claim 7 is patentable over the combination of over *Kono*, *Dietz*, and *Endoh*.

2. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of *Wakabayashi*.

Claim 10 depends from claim 9, which is patentable over *Endoh* for the reasons given in part C.2 above. The Office Action asserted that *Wakabayashi* discloses a non-contact communication system where a non-contact IC card receives an electromagnetic wave to generate the DC voltage to exchange information stored in the non-contact IC card. Whether or not the foregoing assertion is accurate, such disclosures fail to cure the deficiencies noted above.

As a result claim 10 is patentable over the combination of over *Endoh* and *Wakabayashi*.

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Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of *Lemelson*.

Claim 11 depends from claim 9, which is patentable over *Endoh* for the reasons given in part C.2 above. The Office Action asserted that *Lemelson* discloses a switch and lock activating system and method where a finger ring that contains a security code operates the activating system. Whether or not the foregoing assertion is accurate, such disclosures fail to cure the deficiencies noted above.

As a result claim 11 is patentable over the combination of over *Endoh* and *Lemelson*.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Endoh* in view of *Dietz*.

Claim 12 depends from claim 9, which is patentable over *Endoh* for the reasons given in part C.2 above. The Office Action asserted that *Dietz* discloses communication using bi-directional LEDs wher the LEDs function as a light detector which is able to transmit and receive light in communication. Whether or not the foregoing assertion is accurate, such disclosures fail to cure the deficiencies noted above.

As a result claim 12 is patentable over the combination of over *Endoh* and *Dietz*.

E. Conclusion

In view of the foregoing, it is submitted that claims 1-7 and 9-12 are allowable and early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview.

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Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,
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